

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re:	)	Case No. 12-12020 (MG)
	)	
RESIDENTIAL CAPITAL, LLC, <u>et al.</u> ,	)	Chapter 11
	)	
Debtors.	)	Jointly Administered
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**DECLARATION OF JENNIFER A.L. BATTLE**

Pursuant to section 327 of the Bankruptcy Code, Bankruptcy Rule 2014(a) and 28 U.S.C. § 1746, Jennifer A.L. Battle declares:

1. I am an attorney at law admitted and in good standing to practice in the States of New York, Pennsylvania and Ohio, before the United States District Court for the Eastern District of Pennsylvania, and before the Third Circuit Court of Appeals.

2. I am a partner of the law firm of Carpenter Lipps & Leland LLP (“CLL”) and am duly authorized to make this Declaration on behalf of CLL. I make this Declaration in support of the Application Under 11 U.S.C. § 327(e) Authorizing Debtors to Retain and Employ Carpenter Lipps & Leland LLP as Special Litigation Counsel, *Nunc Pro Tunc* to the Petition Date (the “Application”)<sup>1</sup> and in response to (a) the Omnibus Objection to professional retention applications filed by the United States Trustee (Docket No. 703) and (b) the Objection of Yvonne Lewis and Sidney Lewis to the retention of CLL.

3. Facts set forth in this Declaration are based upon information from, and discussions I, or other CLL personnel reporting to me, have had with certain of my colleagues who have been working on certain litigation matters on behalf of the Debtors.

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<sup>1</sup> Capitalized terms not otherwise defined herein have the meanings given to them in the Application.

4. If I were called upon to testify, I could and would testify competently to the facts set forth herein based *inter alia* upon the aforesaid review and input. I am authorized to submit this Declaration on behalf of CLL.

#### **SERVICES PERFORMED BY CLL**

5. The specific services it is anticipated that the Debtors will require of CLL are described in Paragraph 6(a) through (e) of the Lipps Declaration. Additional detail regarding CLL's unique ability to provide these services efficiently and effectively is provided below.

6. CLL has been defending the Debtors in residential mortgage-backed securities (PLS) litigation since the spring of 2010. The Firm has had primary responsibility for investigating the historical facts surrounding the Debtors' PLS business during the time period of 2004 to 2008, the critical time period for the issuance of the Debtors' PLS securitizations.

7. CLL defended the Debtors in the *MBIA v. RFC* and *MBIA v. GMAC Mortgage* cases, which have progressed the farthest of any of the PLS litigation cases against the Debtors. In these two cases, CLL lawyers have worked with Debtors to locate, collect and analyze hundreds of thousands of relevant documents, supervised the production of over 7 million pages of documents, and defended over 80 days worth of depositions of current or former personnel of the Debtors. Additional document productions and factual research into the Debtors' PLS business were performed by CLL in connection with the *New Jersey Carpenters* and *West Virginia Investment Management Board* cases. The factual development of the defenses in the various cases has involved dozens of interviews and meetings with current and former employees, many of whom had long since left the Debtors' employment. Indeed, because of the extraordinary downsizing of the Debtors since 2007, the vast majority of the relevant witnesses are former employees who were involuntarily terminated years ago.

8. Because of this deep experience base, the Debtors have asked CLL to serve as primary defense counsel in many other pending PLS litigation matters, and brought CLL in as co-counsel when a PLS case initially handled by another firm has approached the start of factual discovery (as was the case in Allstate, Cambridge Place, Union Central, and Mass Mutual). In the cases in which CLL had not yet entered an appearance at the time of the Debtors' bankruptcy filings, such as the NCUA litigation matters, the Debtors have nonetheless enlisted CLL's help, and encouraged other counsel to enlist CLL's help, on factual issues and strategic questions along the way.

9. Since the filing of these cases, CLL and Morrison & Foerster LLP ("Morrison & Foerster") have collaborated closely on a number of PLS matters, but in a way designed to avoid duplication. Many of the creditors are party plaintiffs in private suits against ResCap entities that CLL has already been litigating for several years, and CLL is continuing to provide advice and strategic guidance to ResCap as to those creditors' claims. Both firms worked on the Motion to Extend Stay (Adv. Proc. Case No. 12-01671); the Motion to Approve RMBS Trust Settlements (Docket No. 320), and are collaborating on the responses to discovery propounded by the UCC. In each such case, there has been minimal or no duplication of effort. For example, while Morrison & Foerster drafted and conducted the legal research necessary to file the Motion to Extend Stay, CLL drafted and summarized the relevant facts relating to the underlying PLS litigation described in the Lipps Declaration submitted in support of that Motion. CLL also helped review the motion to insure that the factual arguments made in the Motion reflected the factual record. Similarly, while Morrison & Foerster drafted the Motion to approve the RMBS Trust Settlements, CLL provided technical advice and support and factual background based on its deep prepetition experience with PLS litigation, including the potential impact of the

settlement on monoline insurers (which CLL had extensively analyzed in connection with the two pre-petition cases filed by MBIA).

10. At Morrison & Foerster's request, CLL also participated in working with Frank Sillman and Fortace (with whom CLL had worked in pre-petition PLS matters on behalf of the Debtors) to prepare the supporting expert report. Accordingly, appropriate efforts have been made and continue to be made to coordinate the work being done by Morrison & Foerster and CLL to avoid unnecessary duplication and minimize the costs borne by the Debtors' estates.

11. Apart from the PLS litigation matters, CLL serves as counsel for the Debtors in connection with certain contested foreclosure proceedings in the state of Ohio. The cases are assigned to CLL based on their particular complexity, greater potential exposure or other unique factual or legal issues, and are therefore different from more standard foreclosure proceedings, which can be handled by ordinary course foreclosure counsel. CLL also defends the Debtors from time to time in other litigation filed in the state of Ohio when requested by the Debtors. No other law firm for whom the Debtors have filed a retention application acts as foreclosure counsel in Ohio and these services are not duplicative of those provided by any other professional.

12. Finally, because of CLL's unique base of knowledge regarding the Debtors' historical mortgage-related business operations, CLL has assisted the Debtors in responding to various government investigations. Some of the investigations have required the Debtors to research a number of historical information sources, and CLL's accumulated knowledge of the Debtors' historical business practices and electronic systems has been central to the process of correctly identifying and providing responsive information. In that regard, CLL and ResCap employees have worked together to manage the identification, collection, and production

processes, and CLL has interfaced directly with the SEC on a number of substantive issues about which the SEC has inquired. CLL has the knowledge and experience to prepare mortgage business employees for possible testimony in connection with the SEC or other investigations.

13. As counsel to ResCap on PLS litigation discovery issues, CLL manages the team of contract reviewers that has worked on document production across the PLS litigation since 2010, and provides the quality control for the review process with attorneys experienced with ResCap's historical business processes, personnel and documents. These services are currently being provided in connection with the Rule 2004 subpoena, the government investigations, and other miscellaneous discovery requests such as those propounded in connection with the Motions to Extend Stay and the Motion to Approve RMBS Trust Settlements. If other discovery requests are propounded in connection with, for example, creditor claims or the appointment of the Examiner, it is anticipated that CLL would be directly involved in the collection and production efforts for those matters.

#### **PAYMENT HISTORY**

14. Attached as Exhibit 1 is a report detailing the payments that CLL received with respect to legal services related to the Debtors and their nondebtor affiliates in the 90 days before the filing of these cases. Prior to the Petition Date, the Debtors and their nondebtor affiliates had CLL submit single bills for particular legal matters and these bills would be satisfied by a single payment. CLL was not involved in the ultimate allocation of the burden of these bills between the Debtors and their nondebtor affiliates under this arrangement. As disclosed in the June 26, 2012 Declaration of Jeffrey Lipps in support of the Application (the "Lipps Declaration"), CLL has continued to represent certain of the nondebtor affiliates that were co-defendants with the Debtors since the Petition Date. CLL has opened separate billing matters for the fees and expenses related to those services and will not charge the Debtors for those services.

**OBJECTION OF SIDNEY LEWIS AND YVONNE D. WEBB-LEWIS**

15. The Objection of Sidney Lewis and Yvonne D. Webb-Lewis appears to be concerned with a factual dispute regarding whether they were properly served with foreclosure papers in 2005. CLL has not been involved in the service of any foreclosure papers on the Lewises on behalf of GMACM and no attack by the Lewises on the validity of such service would require testimony by CLL.

16. In the fall of 2011, the Debtors assigned CLL to handle the appeal of a foreclosure case involving the Lewises which had been handled at the trial level by other counsel. A copy of the court docket showing when CLL first appeared in the appeal is attached hereto as Exhibit 2. The appeal was dismissed before CLL filed an appellate brief on behalf of GMACM. After that appeal was dismissed, the original foreclosure counsel who handled the matter at the trial level successfully prosecuted the matter through a foreclosure sale. The Lewises then filed a separate appeal of the order confirming the foreclosure sale, which the Franklin County Court of Appeals has dismissed sua sponte as having no merit and noted they had previously been found to be vexatious litigators. A copy of the order dismissing the appeal is attached hereto as Exhibit 3.

17. On May 4, 2006 an order was entered in Sidney Lewis v. Old Republic Surety Company, Ltd., Case No. 05CVHO4-4B14 in the Court of Common Pleas of Franklin County, Ohio finding Sidney Lewis to be a vexatious litigator. On July 24, 2008, an order was entered in Huntington National Bank v. Sidney Lewis, et al, Case No. 05CVH07-7346 in the Court of Common Pleas of Franklin County, Ohio finding Sidney Lewis and Yvonne D. Webb-Lewis to be vexatious litigators. Copies of those orders obtained from public court records are attached hereto as Exhibit 4.

18. On December 30, 2011, Sidney Lewis and Yvonne D. Webb-Lewis petitioned the Ohio Supreme Court for authority to file a motion to reconsider the sanctions imposed on them

as vexatious litigators. On January 4, 2012, the Ohio Supreme Court announced that it had denied the request. A copy of the case announcement from the Ohio Supreme Court denying the request is attached hereto as Exhibit 5.

#### **UPDATE TO DISCLOSURES IN ORIGINAL LIPPS DECLARATION**

19. Since the filing of the Lipps Declaration a number of developments have occurred with respect to the disclosures made in that Declaration. We would like to provide the following updates:

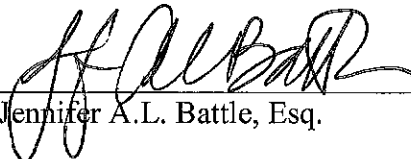
- (a) Replacement counsel for Ally Securities LLC ("Ally Securities") has filed papers with the court in the Union Central matter to be substituted as counsel. CLL understands that Deutsche Bank has selected replacement counsel in that matter and that counsel will file papers with the Court to replace CLL in the near future.
- (b) Replacement counsel for Ally Securities in the FHFA v. Ally and New Jersey Carpenters cases has had their pro hac motions granted and will be filing papers in the near future to be substituted in as counsel.

20. A typographical error was made in the finalization of the Lipps Declaration with respect to the outstanding amount of the retainer held by CLL. The Application correctly reported in footnote 4 that the remaining amount of the retainer was \$381,113.85. However, the Lipps Declaration inadvertently described the \$118,886.15 amount of the retainer drawn down by CLL prepetition as the remaining retainer balance. CLL intends to draw on the balance of the retainer to satisfy fees and expenses in these cases that are approved by the Court until the retainer is exhausted, at which point it intends to invoice the Debtors for these fees and expenses.

21. In addition to the expenses listed in Paragraph 18 of the Lipps Declaration, CLL also customarily charges its clients for vendor expenses incurred in connection with processing documents, including electronic documents, for production in response to discovery requests.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: July <sup>11<sup>th</sup></sup>1, 2012

  
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Jennifer A.L. Battle, Esq.



**EXHIBIT 1**

Exhibit 1 to Battle Declaration  
Payments to CLL in 90 Days Prior to Bankruptcy

Invoice Date	Invoice #	Invoice Amount	Breakdown of invoices	Date Paid	Amount Paid
2/3/2012		\$240,001.41			
	47831		\$37,235.00	2/22/2012	\$37,235.00
	47833		\$250.00	2/29/2012	\$250.00
	47834		\$276.00	2/15/2012	\$276.00
	47847		\$48,389.62	2/22/2012	\$48,389.62
	47959		\$20,582.90	2/22/2012	\$20,582.90
	47960		\$9,740.50	2/29/2012	\$9,740.50
	47962		\$207.00	2/15/2012	\$207.00
	47954		\$25,430.50	2/22/2012	\$25,430.50
	48128		\$13,179.00	2/22/2012	\$13,179.00
	48089		\$26,551.89	2/22/2012	\$26,551.89
	48130		\$210.31	2/15/2012	\$210.31
	48131		\$3,530.95	2/15/2012	\$3,530.95
	48132		\$17,342.86	2/22/2012	\$17,342.86
	48133		\$36,319.88	2/22/2012	\$36,319.88
	48134		\$755.00	2/15/2012	\$755.00
			<u>\$240,001.41</u>		<u>\$240,001.41</u>
2/8/2012		\$67,460.76			
	48142		\$3,211.50	2/15/2012	\$3,211.50
	48143		\$8,911.00	2/22/2012	\$8,911.00
	48144		\$3,712.36	2/22/2012	\$3,712.36
	48145		\$23,495.00	2/29/2012	\$23,495.00
	48146		\$3,058.70	2/22/2012	\$3,058.70
	48147		\$3,405.70	2/29/2012	\$3,405.70
	48148		\$3,777.00	2/22/2012	\$3,777.00
	48149		\$890.00	2/15/2012	\$890.00
	48150		\$11,334.50	2/29/2012	\$11,334.50
	48151		\$5,149.00	2/29/2012	\$5,149.00
	48152		\$516.00	2/15/2012	\$516.00
			<u>\$67,460.76</u>		<u>\$67,460.76</u>
2/24/2012		\$64,813.22			
	48450		\$1,033.17	3/8/2012	\$1,033.17
	48451		\$7,891.82	3/21/2012	\$7,891.82
	48452		\$1,008.30	3/8/2012	\$1,008.30
	48453		\$989.99	3/8/2012	\$989.99
	48454		\$601.81	3/8/2012	\$601.81
	48455		\$13,674.66	4/4/2012	\$13,674.66
	48456		\$29,509.91	3/21/2012	\$29,509.91
	48457		\$259.50	3/8/2012	\$259.50
	48458		\$9,829.06	3/29/2012	\$9,829.06
	48459		\$15.00	3/8/2012	\$15.00
			<u>\$64,813.22</u>		<u>\$64,813.22</u>
3/6/2012		\$402,969.09			
	48499		\$24,717.41	3/29/2012	\$24,717.41
	48500		\$5,643.50	3/29/2012	\$5,643.50
	48501		\$155,199.72	3/29/2012	\$155,199.72
	48502		\$124,557.19	4/11/2012	\$124,557.19
	48503		\$23,303.73	3/29/2012	\$23,303.73
	48504		\$11,057.00	3/29/2012	\$11,057.00

	48505	\$7,844.00	3/29/2012	\$7,844.00
	48506	\$14,013.50	3/29/2012	\$14,013.50
	48507	\$150.00	3/14/2012	\$150.00
	48508	\$4,915.00	3/21/2012	\$4,915.00
	48509	\$14,466.62	3/29/2012	\$14,466.62
	48510	\$13,844.42	3/29/2012	\$13,844.42
	48511	\$175.00	3/14/2012	\$175.00
	48512	\$853.00	4/18/2012	\$853.00
	48513	\$906.00	3/29/2012	\$906.00
	48529	\$948.00	3/29/2012	\$948.00
	48530	\$375.00	3/21/2012	\$375.00
		<u>\$402,969.09</u>		<u>\$402,969.09</u>
3/21/2012		\$304,936.14		
	48634	\$11,580.81	4/18/2012	\$11,580.81
	48635	\$10,688.19	4/18/2012	\$10,688.19
	48636	\$75,078.98	4/25/2012	\$75,078.98
	48637	\$99,587.84	4/25/2012	\$99,587.84
	48638	\$5,823.24	4/18/2012	\$5,823.24
	48639	\$10,400.50	4/18/2012	\$10,400.50
	48640	\$30,144.25	4/25/2012	\$30,144.25
	48641	\$19,490.42	4/18/2012	\$19,490.42
	48642	\$3,381.56	4/25/2012	\$3,381.56
	48643	\$1,610.75	4/25/2012	\$1,610.75
	48644	\$6,610.63	4/4/2012	\$6,610.63
	48645	\$7,184.00	4/4/2012	\$7,184.00
	48646	\$21,554.14	4/18/2012	\$21,554.14
	48647	\$484.00	3/29/2012	\$484.00
	48648	\$133.00	3/29/2012	\$133.00
	48649	\$379.83	3/29/2012	\$379.83
	48650	\$50.00	3/29/2012	\$50.00
	48762	\$754.00	3/21/2012	\$754.00
		<u>\$304,936.14</u>		<u>\$304,936.14</u>
3/26/2012		\$698.00		
	48808	\$312.00	4/11/2012	\$312.00
	48810	\$386.00	4/11/2012	\$386.00
		<u>\$698.00</u>		<u>\$698.00</u>
3/30/2012		\$47,206.83		
	48833	\$5,984.17	4/11/2012	\$5,984.17
	48834	\$17,594.70	4/11/2012	\$17,594.70
	48835	\$7,994.50	4/11/2012	\$7,994.50
	48836	\$1,549.50	4/11/2012	\$1,549.50
	48837	\$350.00	4/11/2012	\$350.00
	48838	\$13,733.96	4/11/2012	\$13,733.96
		<u>\$47,206.83</u>		<u>\$47,206.83</u>
4/2/2012		\$191,556.00		
	48840	\$5,377.00	4/18/2012	\$5,377.00
	48841	\$3,423.00	4/25/2012	\$3,423.00
	48842	\$75,803.50	4/25/2012	\$75,803.50
	48843	\$15,056.50	4/18/2012	\$15,056.50
	48844	\$108.00	4/11/2012	\$108.00
	48845	\$17,455.00	4/18/2012	\$17,455.00
	48846	\$1,870.00	4/11/2012	\$1,870.00
	48847	\$12,139.00	4/18/2012	\$12,139.00

	48848		\$5,614.00	4/18/2012	\$5,614.00	
	48849		\$10,118.00	4/18/2012	\$10,118.00	
	48850		\$7,669.00	4/18/2012	\$7,669.00	
	48851		\$276.00	4/25/2012	\$276.00	
	48852		\$330.00	4/18/2012	\$330.00	
	48853		\$2,834.00	4/18/2012	\$2,834.00	
	48854		\$175.00	4/25/2012	\$175.00	
	48855		\$325.00	4/11/2012	\$325.00	
	48856		\$32,908.00	4/18/2012	\$32,908.00	
	48857		\$75.00	4/11/2012	\$75.00	
			<u>\$191,556.00</u>			<u>\$191,556.00</u>
4/6/2012		\$86,078.25				
	48862		\$1,997.00	4/18/2012	\$1,997.00	
	48863		\$36,865.55	4/18/2012	\$36,865.55	
	48864		\$28,563.67	4/18/2012	\$28,563.67	
	48865		\$62.52	4/18/2012	\$62.52	
	48866		\$104.73	4/18/2012	\$104.73	
	48867		\$18,484.78	4/18/2012	\$18,484.78	
			<u>\$86,078.25</u>			<u>\$86,078.25</u>
4/9/2012		\$7,000.00				
	48880		\$7,000.00	4/18/2012	\$7,000.00	
			<u>\$7,000.00</u>			<u>\$7,000.00</u>
4/10/2012		\$100.00				
	48881		\$100.00	4/18/2012	\$100.00	
			<u>\$100.00</u>			<u>\$100.00</u>
4/13/2012		\$208,037.65				
	48892		\$286.08	4/18/2012	\$286.08	
	48893		\$12,015.57	4/18/2012	\$12,015.57	
	48894		\$195,379.88	4/25/2012	\$195,379.88	
	48895		\$58.12	4/18/2012	\$58.12	
	48896		\$266.74	4/18/2012	\$266.74	
	48897		\$15.63	4/18/2012	\$15.63	
	48898		\$15.63	4/18/2012	\$15.63	
			<u>\$208,037.65</u>			<u>\$208,037.65</u>
4/13/2012		\$9,063.77				
	48951		\$3,593.16	5/11/2012	\$3,593.16	
	49030		\$3,832.14	5/11/2012	\$3,832.14	
	48980		\$1,586.47	5/11/2012	\$1,586.47	
	48981		\$26.00	5/11/2012	\$26.00	
	48983		\$26.00	5/11/2012	\$26.00	
			<u>\$9,063.77</u>			<u>\$9,063.77</u>
4/19/2012		\$192,714.72				
	49003		\$8,845.91	4/25/2012	\$8,845.91	
	49004		\$14,256.00	4/25/2012	\$14,256.00	
	49005		\$44,549.18	4/25/2012	\$44,549.18	
	49006		\$53,328.22	5/2/2012	\$53,328.22	
	49007		\$9,863.00	4/25/2012	\$9,863.00	

49008	\$5,027.00	4/25/2012	\$5,027.00
49009	\$4,453.59	4/25/2012	\$4,453.59
49010	\$10,680.26	4/25/2012	\$10,680.26
49011	\$7,072.56	4/25/2012	\$7,072.56
49012	\$12,402.50	4/25/2012	\$12,402.50
49013	\$1,047.00	4/25/2012	\$1,047.00
49014	\$383.00	4/25/2012	\$383.00
49015	\$137.00	4/25/2012	\$137.00
49016	\$425.00	4/25/2012	\$425.00
49017	\$19,986.50	4/25/2012	\$19,986.50
49018	\$258.00	4/25/2012	\$258.00
		\$192,714.72	\$192,714.72

4/25/2012	\$93,210.45		
49143	\$1,442.00	5/2/2012	\$1,442.00
49144	\$515.44	5/2/2012	\$515.44
49145	\$25,029.95	5/2/2012	\$25,029.95
49146	\$42,279.67	5/2/2012	\$42,279.67
49147	\$4,452.00	5/2/2012	\$4,452.00
49148	\$343.00	5/2/2012	\$343.00
49149	\$6,778.50	5/2/2012	\$6,778.50
49150	\$150.00	5/2/2012	\$150.00
49151	\$150.00	5/2/2012	\$150.00
49152	\$2,039.00	5/2/2012	\$2,039.00
49153	\$458.00	5/2/2012	\$458.00
49154	\$574.00	5/2/2012	\$574.00
49155	\$50.00	5/2/2012	\$50.00
49156	\$587.00	5/2/2012	\$587.00
49157	\$8,361.89	5/2/2012	\$8,361.89
		\$93,210.45	\$93,210.45

5/4/2012	\$205,845.33		
49199	\$4,563.00	5/9/2012	\$4,563.00
42000	\$547.50	5/9/2012	\$547.50
49201	\$68,548.63	5/11/2012	\$68,548.63
49202	\$87,169.33	5/11/2012	\$87,169.33
49203	\$3,183.00	5/9/2012	\$3,183.00
49204	\$6,331.00	5/11/2012	\$6,331.00
49205	\$2,468.00	5/9/2012	\$2,468.00
49206	\$9,207.50	5/11/2012	\$9,207.50
49207	\$3,489.50	5/9/2012	\$3,489.50
49208	\$3,776.89	5/9/2012	\$3,776.89
49209	\$125.00	5/9/2012	\$125.00
49210	\$23.00	5/9/2012	\$23.00
49211	\$1,598.00	5/9/2012	\$1,598.00
49212	\$764.00	5/9/2012	\$764.00
49213	\$272.00	5/9/2012	\$272.00
49214	\$7,646.78	5/11/2012	\$7,646.78
49215	\$243.00	5/9/2012	\$243.00
49217	\$520.00	5/11/2012	\$520.00
49218	\$1,826.60	5/11/2012	\$1,826.60
49219	\$1,826.60	5/11/2012	\$1,826.60
49220	\$1,222.00	5/11/2012	\$1,222.00
49221	\$260.00	5/11/2012	\$260.00
49222	\$234.00	5/11/2012	\$234.00
		\$205,845.33	\$205,845.33

5/7/2012	\$960.00				
	49223	\$480.00	5/11/2012	\$480.00	
	49224	\$480.00	5/11/2012	\$480.00	
		<u>\$960.00</u>			<u>\$960.00</u>

5/8/2012	\$105,010.51				
	49225	\$1,075.46	5/11/2012	\$1,075.46	
	49226	\$1,096.46	5/11/2012	\$1,096.46	
	49227	\$1,096.47	5/11/2012	\$1,096.47	
	49228	\$3,074.00	5/11/2012	\$3,074.00	
	49229	\$1,057.60	5/11/2012	\$1,057.60	
	49228	\$3,074.00	5/11/2012	\$3,074.00	
	49229	\$1,057.60	5/11/2012	\$1,057.60	
	49230	\$520.00	5/11/2012	\$520.00	
	49231	\$35,630.90	5/11/2012	\$35,630.90	
	49232	\$22,163.02	5/11/2012	\$22,163.02	
	49233	\$3,279.00	5/11/2012	\$3,279.00	
	49234	\$3,614.00	5/11/2012	\$3,614.00	
	49235	\$10,947.00	5/11/2012	\$10,947.00	
	49236	\$3,096.00	5/11/2012	\$3,096.00	
	49237	\$3,241.00	5/11/2012	\$3,241.00	
	49238	\$75.00	5/11/2012	\$75.00	
	49239	\$3,282.00	5/11/2012	\$3,282.00	
	49240	\$225.00	5/11/2012	\$225.00	
	49241	\$6,372.00	5/11/2012	\$6,372.00	
	49242	\$50.00	5/11/2012	\$50.00	
	49243	\$100.00	5/11/2012	\$100.00	
	49244	\$442.00	5/11/2012	\$442.00	
	49245	\$442.00	5/11/2012	\$442.00	
		<u>\$105,010.51</u>			<u>\$105,010.51</u>

5/9/2012	\$235,116.71				
	49248	\$781.00	5/11/2012	\$781.00	
	49249	\$336.00	5/11/2012	\$336.00	
	49247	\$209,359.79	5/11/2012	\$209,359.79	
	49248	\$781.00	5/11/2012	\$781.00	
	49249	\$336.00	5/11/2012	\$336.00	
	49250	\$208.00	5/11/2012	\$208.00	
	49251	\$7,243.50	5/11/2012	\$7,243.50	
	49253	\$504.00	5/11/2012	\$504.00	
	49254	\$850.00	5/11/2012	\$850.00	
	49255	\$1,760.00	5/11/2012	\$1,760.00	
	49256	\$2,770.00	5/11/2012	\$2,770.00	
	49257	\$189.00	5/11/2012	\$189.00	
	49258	\$8,816.42	5/11/2012	\$8,816.42	
	49259	\$1,182.00	5/11/2012	\$1,182.00	
		<u>\$235,116.71</u>			<u>\$235,116.71</u>

5/10/2012	\$22,060.61				
	49268	\$1,032.00	5/11/2012	\$1,032.00	
	49269	\$364.65	5/11/2012	\$364.65	
	49268	\$1,032.00	5/11/2012	\$1,032.00	
	49269	\$364.66	5/11/2012	\$364.66	
	49270	\$4,943.72	5/11/2012	\$4,943.72	
	49272	\$955.00	5/11/2012	\$955.00	
	49273	\$3,645.00	5/11/2012	\$3,645.00	

	79274	\$2,919.00	5/11/2012	\$2,919.00
	79275	\$237.00	5/11/2012	\$237.00
	79276	\$15.00	5/11/2012	\$15.00
	49277	\$904.00	5/11/2012	\$904.00
	49278	\$1,907.00	5/11/2012	\$1,907.00
	49279	\$3,741.58	5/11/2012	\$3,741.58
		<u>\$22,060.61</u>		<u>\$22,060.61</u>
5/11/2012		\$34,809.46		
	49280	\$754.00	5/11/2012	\$754.00
	49281	\$624.00	5/11/2012	\$624.00
	49282	\$26.00	5/11/2012	\$26.00
	89283	\$26.00	5/11/2012	\$26.00
	89284	\$26.00	5/11/2012	\$26.00
	49285	\$1,465.00	5/11/2012	\$1,465.00
	49287	\$4,075.88	5/11/2012	\$4,075.88
	49288	\$2,666.50	5/11/2012	\$2,666.50
	49289	\$276.00	5/11/2012	\$276.00
	49290	\$8,798.00	5/11/2012	\$8,798.00
	49291	\$2,969.00	5/11/2012	\$2,969.00
	49292	\$409.00	5/11/2012	\$409.00
	49293	\$1,535.00	5/11/2012	\$1,535.00
	49294	\$1,743.00	5/11/2012	\$1,743.00
	49298	\$1,062.50	5/11/2012	\$1,062.50
	49299	\$5,148.58	5/11/2012	\$5,148.58
	49300	\$105.00	5/11/2012	\$105.00
	49301	\$3,100.00	5/11/2012	\$3,100.00
		<u>\$34,809.46</u>		<u>\$34,809.46</u>
5/11 Estimated Invoices		\$118,886.15		
Satisfied by Retainer Draw				
	49302 Fee	\$49,195.00	5/11/2012	\$49,195.00
	Exp	\$4,006.00		\$4,006.00
	96	\$20,879.00		\$20,879.00
	49305 Fee	\$44,806.15		\$44,806.15
		<u>\$118,886.15</u>		<u>\$118,886.15</u>
				\$118,886.15
		<u>\$2,638,535.06</u>		<u>\$2,638,535.06</u>

Note: Invoice amounts have been adjusted to reflect prepetition writeoffs of certain amounts.

**EXHIBIT 2**



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Case Information Online

[Court Schedule](#)

Last Name: First Name: Middle Init: Court: All Case: 05 CV 004555 [Search](#)

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## CIVIL CASE DETAIL

[Previous Case](#)[Next Case](#)

## CASE NUMBER

05 CV 004555

## TYPE of CASE

FORECLOSURES

## STATUS

CLOSED

## DATE FILED

04/22/2005

## JUDGE

JULIE LYNCH

## COURTROOM

COURTROOM 7E  
345 SOUTH HIGH STREET  
7TH FLOOR  
COLUMBUS, OH 43215

## PLAINTIFF(S)

## Name

☐ GMAC MORTGAGE CORPORATION

## Attorney

## DEFENDANT(S)

## Name

☐ YVONNE D LEWIS☐ SIDNEY T LEWIS

## Attorney

DAVID F HANSON

SIDNEY T LEWIS

## CASE SCHEDULE

Date	Description
04/22/05	CASE FILED
*****	INITIAL STATUS CONFERENCE
09/09/05	INITIAL JOINT DISCLOSURE OF ALL WITNESSES
11/04/05	SUPPLEMENTAL JOINT DISCLOSURE OF ALL WITNESSES
11/18/05	TRIAL CONFIRMATION DATE
01/27/06	DISPOSITIVE MOTIONS
02/10/06	DISCOVERY CUT-OFF
03/24/06	DECISIONS ON MOTIONS
*****	FINAL PRE-TRIAL CONFERENCE/ORDER (OR BOTH)
*****	TRIAL ASSIGNMENT

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Date	Description	Image	Fiche	Frame	Pages
<input type="checkbox"/> 07/05/12	SECURITY DEPOSIT RECEIVED			00	
<input type="checkbox"/> 07/05/12	APPLIED - DEPOSIT FOR COSTS			00	
<input type="checkbox"/> 06/18/12	APPEAL DISMISSED BY COURT OF APPEALS		0A496	M51	1
<input type="checkbox"/> 06/12/12	NOTICE OF APPEAL FILED - COURT OF APPEALS		E1690	J44	4
06/04/12	CONFIRMATION OF SALE		0A465	O84	6
05/31/12	ASSIGNMENT OF BID		0A480	R10	2
<input type="checkbox"/> 04/25/12	SHERIFFS RETURN OF ORDER OF SALE - NO FEES (WHITE COPY)		E1566	K14	2
<input type="checkbox"/> 04/25/12	SERVICE FEES-SHERIFFS RETURN OF ORDER OF SALE (PINK COPY)		E1566	K14	2
04/25/12	ORDER OF SALE		E1566	K14	2
<input type="checkbox"/> 04/04/12	APPLIED - DAILY REPORTER PUBLICATION			00	
<input type="checkbox"/> 04/03/12	PROOF OF PUBLICATION		E1557	A57	1
<input type="checkbox"/> 03/30/12	COST BILL SENT - ORDER OF SALE				
<input type="checkbox"/> 03/21/12	NOTICE OF SHERIFFS SALE		0A310	R03	2
01/09/12	ORDER W/ONE COPY ISSUED FR CO SHERIFF		0A147	R05	8
<input type="checkbox"/> 01/06/12	SECURITY DEPOSIT RECEIVED			00	
<input type="checkbox"/> 01/06/12	APPLIED - DEPOSIT FOR COSTS			00	
<input type="checkbox"/> 01/06/12	PRAECIPE TO ISSUE ALIAS ORDER OF SALE		0A147	R05	6
01/04/12	SALE W/D; REFUND ISSUED			00	
<input type="checkbox"/> 01/04/12	REFUND OF DEPOSIT FOR FEES AND COSTS			00	
<input type="checkbox"/> 01/04/12	APPLIED - CLERK			00	
<input type="checkbox"/> 01/04/12	APPLIED - DAILY REPORTER			00	
<input type="checkbox"/> 01/04/12	APPLIED - FRANKLIN COUNTY SHERIFF			00	
<input type="checkbox"/> 01/04/12	APPLIED - APPRAISER FEE			00	
<input type="checkbox"/> 01/04/12	APPLIED - APPRAISER FEE			00	
<input type="checkbox"/> 01/04/12	APPLIED - APPRAISER FEE			00	
<input type="checkbox"/> 01/03/12	COST BILL PREPARED			00	
<input type="checkbox"/> 12/20/11	SHERIFFS RETURN OF ORDER OF SALE - NO BID NO SALE		E1480	A91	1
<input type="checkbox"/> 12/20/11	APPRASER FEE - SHERIFFS RETURN OF ORDER OF SALE		E1480	A91	1
<input type="checkbox"/> 12/20/11	SHERIFFS RETURN OF ORDER OF SALE - NO FEES (WHITE COPY)		E1460	A91	1
<input type="checkbox"/> 12/20/11	SERVICE FEES-SHERIFFS RETURN OF ORDER OF SALE (PINK COPY)		E1460	A91	1
12/20/11	ORDER OF SALE		E1460	A89	3
<input type="checkbox"/> 12/16/11	MOTION GRANTED		0A116	D31	2
<input type="checkbox"/> 12/16/11	ENTRY WITHDRAWING PROPERTY FROM SHERIFF SALE		0A116	D31	2
<input type="checkbox"/> 12/15/11	MOTION DENIED		0A112	M04	3
12/15/11	DECISION/ENTRY		0A112	M04	3
<input type="checkbox"/> 12/15/11	MOTION VACATE ORDER OF SALE W/DRAW PROPERTY FROM SALE		0A111	V89	2
12/14/11	EXHIBITS		0A108	E45	1

12/14/11	EXHIBITS		QA108	E43	2
12/14/11	MEMO CONTRA FILED		QA108	E36	7
12/14/11	APPEARANCE FILED				
12/14/11	APPEARANCE FILED				
NAME: GMAC MORTGAGE CORPORATION					
PLNT IF/DEFNDT IND: P					
ATTORNEY NAME: KAREN CADIEUX					
ATTORNEY ADDRESS: CARPENTER & LIPPS LLP					
SUITE 1300					
280 N HIGH ST					
COLUMBUS, OH 43215					
(614) 365-4100					
12/12/11	MOTION FOR LEAVE TO FILE		E1450	K89	33
12/07/11	NOTICE OF SHERIFF'S SALE		QA093	H08	2
12/02/11	ENTRY TO PAY APPRAISERS FEES		E1446	E48	1
11/30/11	PROOF OF PUBLICATION		E1439	J79	1
11/30/11	APPLIED - DAILY REPORTER PUBLICATION			00	
11/29/11	COST BILL SENT - ORDER OF SALE				
11/22/11	SHERIFFS MOTION TO PAY APPRAISER		E1436	F63	1
10/24/11	RCD TRANS TO C/A W/1-133 PLEADINGS				
10/21/11	ADDITIONAL COST BILL CREATED				
10/19/11	LAND APPRAISEMENT		E1387	D14	3
10/12/11	MISCELLANEOUS PAPER		E1373	X64	1
10/12/11	MISCELLANEOUS PAPER		E1373	Z89	1
10/12/11	MISCELLANEOUS PAPER		E1373	V63	53
10/12/11	MISCELLANEOUS PAPER		E1375	B10	1
10/12/11	AFFIDAVIT FILED		E1375	B09	1
10/12/11	AFFIDAVIT FILED		E1375	B08	1
10/12/11	NOTICE OF APPEAL FILED - COURT OF APPEALS		E1398	Q18	7
10/07/11	TERMINATE CASE		E1410	P74	1
09/29/11	MOTION		E1354	U84	21
09/29/11	MOTION FOR LEAVE TO FILE		E1354	U84	21
09/27/11	NOTICE RETURNED - NOT SERVED		E1345	V25	1
09/26/11	ADDITIONAL COST BILL CREATED				
09/22/11	MOTION TO DISMISS		E1340	M74	17
09/20/11	MOTION RELEASED TO CLEAR DOCKET		E1334	F92	9
09/20/11	MOTION RELEASED TO CLEAR DOCKET		E1334	F92	9
09/20/11	MOTION RELEASED TO CLEAR DOCKET		E1334	F92	9
09/20/11	MOTION RELEASED TO CLEAR DOCKET		E1334	F92	9
09/20/11	MOTION RELEASED TO CLEAR DOCKET		E1334	F92	9
09/16/11	ORDER W/ONE COPY ISSUED FR CO SHERIFF		E1320	R17	1
09/16/11	ORIGINAL COPY OF FINAL APPEALABLE ORDER NOTICE FILED				
09/16/11	ORIGINAL COPY OF FINAL APPEALABLE ORDER NOTICE FILED				
09/16/11	ORIGINAL COPY OF FINAL APPEALABLE ORDER NOTICE FILED				
09/16/11	ORIGINAL COPY OF FINAL APPEALABLE ORDER NOTICE FILED				
09/16/11	ORIGINAL COPY OF FINAL APPEALABLE ORDER NOTICE FILED				
09/16/11	ORIGINAL COPY OF FINAL APPEALABLE ORDER NOTICE FILED				
09/15/11	PRAECIPE TO ISSUE ORDER OF SALE		E1320	R17	3
09/15/11	SECURITY DEPOSIT RECEIVED			00	
09/15/11	APPLIED - DEPOSIT FOR COSTS			00	
09/12/11	MOTION GRANTED		E1307	Q73	1
09/12/11	CASE REINSTATED BY ORDER		E1307	Q73	1
09/12/11	NOTICE OF FINAL APPEALABLE ORDER		E1307	Q74	4
09/12/11	TERMINATE CASE		E1307	Q74	4
09/12/11	MOTION GRANTED		E1307	Q74	4
09/12/11	DECREE OF FORECLOSURE		E1307	Q74	4
09/12/11	JUDGMENT ENTRY		E1307	Q74	4
09/08/11	NOTICE OF FILING		E1299	L79	9
09/08/11	MOTION TO REINSTATE		E1299	L78	3
09/08/11	AFFIDAVIT OF MILITARY SERVICE		E1299	L67	9
09/08/11	AFFIDAVIT FILED		E1299	L64	3
09/08/11	MOTION FOR DEFAULT JUDGMENT		E1299	L59	3
09/08/11	APPEARANCE FILED		E1299	L62	2
08/03/11	MASS TRANSFER OF JUDGE LOCATION				
08/25/08	NOTICE		D8293	X98	6
08/25/08	NOTICE OF FILING		D8293	X97	1
08/25/08	NOTICE OF SERVICE		D8290	J62	1
08/25/08	ATTORNEY WITHDRAWAL		D8201	P98	2
08/25/08	NOTICE OF SUBSTITUTION OF COUNSEL		D8201	P98	2
08/25/08	APPEARANCE FILED				
11/21/07	MISCELLANEOUS PAPER		D6408	C05	1
10/26/07	SERVICE COMPLETE - CERTIFIED MAIL		D5687	F19	1
10/24/07	PROOF OF SERVICE ISSUED - CERTIFIED MAIL		D5530	E02	1
10/05/07	ADDITIONAL COST BILL CREATED				
09/21/07	REQUEST FOR SERVICE - CERTIFIED MAIL				
09/21/07	INSTRUCTIONS FOR SERVICE		D4494	G02	1
09/21/07	TERMINATE CASE		D4494	G02	2
09/21/07	REMOVE TO UNITED STATES DISTRICT COURT		D4494	G02	11
09/21/07	MISCELLANEOUS PAPER		D4493	J15	1
09/13/07	MOTION FOR LEAVE TO FILE		D4195	J03	3
08/01/07	MOTION DENIED		D2773	D12	1
08/01/07	DECISION/ENTRY		D2773	D12	1
07/12/07	AFFIDAVIT FILED		D2258	D10	1
07/12/07	MOTION TO DISMISS		D2258	D07	23
07/10/07	MOTION TO STAY		D2166	D03	23
07/10/07	APPEARANCE FILED - PRO SE		D2166	D03	1
07/09/07	AFFIDAVIT FILED		D2136	G09	1
07/09/07	MOTION TO QUASH		D2136	G06	4

07/02/07	MOTION TO SET ASIDE	D1990	J13	4
07/02/07	APPEARANCE FILED - PRO SE	D1990	J13	4
06/22/07	COMMITMENT FOR TITLE INSURANCE	D1708	D08	3
06/22/07	NOTICE OF FILING	D1708	D08	5
06/22/07	MOTION FOR DEFAULT JUDGMENT	D1707	J15	4
06/11/07	MEMO CONTRA FILED	D1338	H07	12
06/08/07	CASE REINSTATED BY ORDER	D1224	I05	1
06/08/07	MOTION GRANTED	D1224	I05	1
06/08/07	ORDER	D1224	I05	1
05/30/07	MOTION TO REINSTATE	D0993	H11	33
01/16/07	REFUND OF DEPOSIT FOR FEES AND COSTS			
01/16/07	COST PAID BY DEPOSIT			
01/16/07	COST BILL PREPARED			
01/12/07	ADDITIONAL COST BILL CREATED			
01/03/07	ADDITIONAL COST BILL CREATED			
12/29/06	TERMINATE CASE	C6002	G19	1
12/20/06	TERMINATE CASE	C5813	C10	1
12/20/06	ORDER	C5813	C10	1
09/08/06	CASE REMANDED - U. S. DISTRICT COURT	C3046	J04	1
04/18/06	APPEAL DISMISSED BY COURT OF APPEALS	B8548	H10	1
03/21/06	ADDITIONAL COST BILL CREATED			
03/07/06	STRIKE SCHEDULE DATE	B8408	C07	1
03/07/06	TERMINATE CASE	B8408	C07	1
08/01/05	RECORD TRANSMITTED TO COURT OF APPEALS	00000	A01	
08/01/05	MISCELLANEOUS PAPER	00000	A01	
07/29/05	SUMMONS ISSUED	B3579	J06	1
07/29/05	PROOF OF SERVICE ISSUED - ORDINARY MAIL	B3579	J06	1
07/29/05	SUMMONS ISSUED	B3579	J05	1
07/29/05	PROOF OF SERVICE ISSUED - ORDINARY MAIL	B3579	J05	1
07/26/05	REQUEST FOR SERVICE - ORDINARY MAIL			1
07/26/05	REQUEST FOR SERVICE - ORDINARY MAIL			1
07/26/05	INSTRUCTIONS FOR SERVICE	B3519	B06	1
07/19/05	DOCKETING STATEMENT FILED	B3385	C16	1
07/19/05	NOTICE OF APPEAL FILED - COURT OF APPEALS	B3385	C15	1
07/15/05	ORIGINAL COPY OF FAILURE OF SERVICE NOTICE FILED			
07/15/05	ORIGINAL COPY OF FAILURE OF SERVICE NOTICE FILED			
07/15/05	SERVICE FAILED - CERTIFIED	B3318	A13	1
07/15/05	SERVICE FAILED - CERTIFIED	B3318	A12	1
07/06/05	MOTION DENIED	B3049	G06	1
07/06/05	JUDGMENT ENTRY	B3049	G06	1
06/23/05	WITHDRAW PAPER FILING	B2859	C04	2
06/21/05	SUMMONS ISSUED	B2841	G20	1
06/21/05	PROOF OF SERVICE ISSUED - CERTIFIED MAIL	B2841	G20	1
06/21/05	SUMMONS ISSUED	B2841	G19	1
06/21/05	PROOF OF SERVICE ISSUED - CERTIFIED MAIL	B2841	G19	1
06/20/05	DECREE OF FORECLOSURE	B2718	F14	4
06/20/05	JUDGMENT ENTRY	B2718	F14	4
06/17/05	REQUEST FOR SERVICE - CERTIFIED MAIL			1
06/17/05	REQUEST FOR SERVICE - CERTIFIED MAIL			1
06/17/05	INSTRUCTIONS FOR SERVICE	B2727	B16	1
06/17/05	ADDRESS CORRECTION	B2727	B16	1
06/17/05	APPEARANCE FILED	B2727	B16	1
06/16/05	MEMO IN OPPOSITION	B2745	E16	2
06/16/05	APPEARANCE FILED	B2745	E16	1
06/09/05	MOTION FOR DEFAULT JUDGMENT	B2682	J03	2
06/09/05	MEMO CONTRA FILED	B2578	E15	2
05/31/05	AFFIDAVIT FILED	B2355	J01	1
05/31/05	AFFIDAVIT FILED	B2355	I20	1
05/31/05	MOTION TO DISMISS	B2355	I17	2
05/31/05	APPEARANCE FILED - PRO SE	B2355	I17	2
05/24/05	ORIGINAL COPY OF FAILURE OF SERVICE NOTICE FILED			
05/24/05	SERVICE FAILED - CERTIFIED	B2242	J14	1

**EXHIBIT 3**

20869 - H70

IN THE COURT OF APPEALS OF OHIO  
TENTH APPELLATE DISTRICT

FILED  
COURT OF APPEALS  
FRANKLIN COUNTY, OHIO

2012 JUN 18 AM 10:55

CLERK OF COURTS

GMAC Mortgage Corporation,

:

Plaintiff-Appellee,

:

v.

:

No. 12AP-506

Yvonne D. Lewis aka

:

(ACCELERATED CALENDAR)

Yvonne D. Webb-Lewis et al.,

:

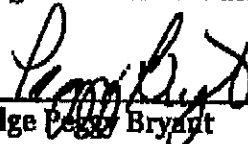
Defendants-Appellants.

:

JOURNAL ENTRY OF DISMISSAL

Appellants not demonstrating that there are reasonable grounds for this appeal, and appellants having been adjudicated vexatious litigators by the Franklin County Court of Common Pleas, appellants' June 12, 2012 motion for leave to file an appeal challenging the trial court's confirmation of sale order is denied, and this appeal is hereby dismissed.

  
\_\_\_\_\_  
Judge William A. Klatt

  
\_\_\_\_\_  
Judge Peggy Bryant

  
\_\_\_\_\_  
Judge John A. Connor



**EXHIBIT 4**

IN THE COMMON PLEAS COURT OF FRANKLIN COUNTY, OHIO  
CIVIL DIVISION

SIDNEY LEWIS,	:	9854 J04
Plaintiff,	:	Case No. 05CVH04-4814
v.	:	Judge HOLBROOK
OLD REPUBLIC SURETY COMPANY, et al.,	:	
Defendants	:	

FILED  
MAY 11 2006  
CLERK OF COURTS  
FRANKLIN COUNTY, OHIO

**ENTRY GRANTING MOTION FOR SUMMARY JUDGMENT OF  
DEFENDANT WESTERN SURETY COMPANY FILED MARCH 13, 2006:**

**ORDER DECLARING SIDNEY LEWIS A VEXATIOUS LITIGATOR:**

**ORDER TO CLERK OF COURTS PURSUANT TO R.C. 2323.52(H)**

Rendered this 11 day of May 2006.

Holbrook, M., J.

As set forth in the May 3, 2006 Decision Granting Motion for Summary Judgment of Defendant Western Surety Company, the Court hereby **GRANTS** Western Surety summary judgment as to Plaintiff Sidney Lewis' claims against it. Moreover, Western Surety's motion for summary judgment on its claim to declare Plaintiff Sidney Lewis a vexatious litigator is **GRANTED**, for the reasons set forth in the May 3, 2006 Decision.

Therefore, it is hereby **ORDERED** that Sidney Lewis is prohibited from doing any of the following without first obtaining leave of this Court to Proceed:

1. Mr. Lewis shall not institute any legal proceeding, nor make any application, other than an application to this Court for leave to proceed under division (F) of R.C. §2323.52, in the Ohio Court of Claims, or in any county court of common pleas, municipal court, or other county court of Ohio.

Pursuant to R.C. §2323.52(G), no appeal by Mr. Lewis shall lie from a decision of this Court if this Court denies Mr. Lewis, under R.C. §2323.52(F), leave for the institution or continuance of, or the making of an application in, legal proceedings in the Ohio Court of Claims or in any court of common pleas, municipal court, or county court in Ohio.

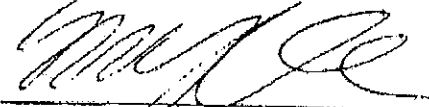
Pursuant to R.C. §2323.52(H), the Franklin County Common Pleas Clerk of Courts shall immediately send a certified copy of this order to the Ohio Supreme Court for publication in a manner that the Supreme Court determines is appropriate and that will facilitate the clerk of the Court of Claims and clerks of all courts of common pleas, municipal courts, or any county courts in Ohio in refusing to accept pleadings or other papers submitted for filing by Mr. Lewis if he has failed to obtain leave under R.C. §2323.52(F) to proceed.

Pursuant to R.C. §2323.52(I), whenever it appears by suggestion of the parties or otherwise that Mr. Lewis has instituted, continued, or made an application in legal proceedings without obtaining leave to proceed from this court, the court in which legal proceedings are pending shall immediately dismiss the proceeding or application of Mr. Lewis.

**ORDER TO CLERK OF COURTS**

Pursuant to R.C. 2323.52(H), the Clerk of Courts shall immediately send a certified copy of this Order to the Supreme Court of Ohio.

**IT IS SO ORDERED.**

  
MICHAEL J. HOLBROOK, JUDGE



Copies to:

Clerk of Court, Civil Division

R9854J07

Sidney Lewis  
Plaintiff pro se

William H. Woods  
Jonathan M. Bryan  
Counsel for Western Surety Co.

John J. Petro  
Counsel for Old Republic Surety Co

IN THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO  
CIVIL DIVISION

D2633E13	
TERMINATION NO	18
BY	W

HUNTINGTON NATIONAL BANK,

PLAINTIFF,

CASE NO 05CVH07-7346

vs

CM 6/25/2012

SIDNEY T LEWIS, et al ,

JUDGE HOLBROOK

DEFENDANTS

## **FINAL APPEALABLE ORDER**

ENTRY GRANTING THE HUNTINGTON'S MOTIONS FOR PARTIAL SUMMARY JUDGMENT;

ORDER DECLARING SIDNEY T. LEWIS AND  
YVONNE D. WEBB-LEWIS VEXATIOUS LITIGATORS;

ORDER TO CLERK OF COURTS PURSUANT TO R.C. 2323.52(H)

Rendered this 24<sup>th</sup> day of July 2007

Holbrook, M, J

As set forth in the July 24, 2007 Decision Granting the Huntington's Motion for Partial Summary Judgment, the Court hereby **GRANTS** the Huntington summary judgment as to the Defendants claims against it. Moreover, the Huntington's motion for summary judgment on its claim to declare Plaintiff Sidney T Lewis and Yvonne D Webb-Lewis vexatious litigators is **GRANTED**, for the reasons set forth in the July 24, 2007 Decision.

Therefore, it is hereby **ORDERED** that Sidney T Lewis and Yvonne D Webb-Lewis, whether represented by counsel or acting pro se, are prohibited from doing any of the following without first obtaining leave of this Court to Proceed

- 1 Sidney T Lewis and Yvonne D Webb-Lewis shall not institute any legal proceeding, nor make any application, other than an application to this

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Court for leave to proceed under division (F) of R.C. §2323.52, in the Ohio Court of Claims, or in any county court of common pleas, municipal court, or other county court of Ohio.

- 2 Sidney T. Lewis and Yvonne D. Webb-Lewis shall not continue in any legal proceeding that they have instituted in the Ohio Court of Claims, or in any court of common pleas, municipal court, or other county court of Ohio prior to the date of the Entry of this Order.
- 3 Sidney T. Lewis and Yvonne D. Webb-Lewis shall not institute a legal proceeding in any court of appeals, or continue any legal proceeding already instituted in a court of appeals prior to entry of this order, other than an application for leave to proceed under division (F) of R.C. §2323.52.

Pursuant to R.C. §2323.52(E), this Order shall remain in force indefinitely.

Pursuant to R.C. §2323.52(F), only this Court may grant Sidney T. Lewis and Yvonne D. Webb-Lewis leave for institution or continuance of, or making an application in, legal proceedings in the Ohio Court of Claims, or in any court of common pleas, municipal court, or any county court in Ohio. This court will only grant such leave if it is satisfied that the proceedings or application are not an abuse of process of the court in question, and that there are reasonable grounds for the proceeding or application. If leave is granted, it will be in the form of a written order by this Court. Pursuant to R.C. §2323.52(D)(3), only the relevant court of appeals may grant Sidney T. Lewis and Yvonne D. Webb-Lewis leave to institute or continue an action in the relevant court of appeals.

Additionally, if Sidney T. Lewis and Yvonne D. Webb-Lewis requests this Court to grant them leave to proceed as described in R.C. §2323.52(F), the period of time commencing with the filing with this Court of an application for the issuance of an order

granting leave to proceed and ending with the issuance of an order of that nature shall not be computed as part of an applicable period of limitations within which the legal proceedings or application involved generally must be instituted or made

Pursuant to R C §2323 52(G), no appeal by Sidney T Lewis and Yvonne D Webb-Lewis shall lie from a decision of this Court if this Court denies Sidney T Lewis and Yvonne D Webb-Lewis, under R C §2323 52(F), leave for the institution or continuance of, or the making of an application in, legal proceedings in the Ohio Court of Claims or in any court of common pleas, municipal court, or county court in Ohio

Pursuant to R C §2323 52(H), the Franklin County Common Pleas Clerk of Courts shall immediately send a certified copy of this order to the Ohio Supreme Court for publication in a manner that the Supreme Court determines is appropriate and that will facilitate the clerk of the Court of Claims and clerks of all courts of common pleas, municipal courts, or any county courts in Ohio in refusing to accept pleadings or other papers submitted for filing by Sidney T Lewis and Yvonne D Webb-Lewis if they have failed to obtain leave under R C §2323 52(F) to proceed

Pursuant to R C §2323 52(I), whenever it appears by suggestion of the parties or otherwise that Sidney T Lewis and Yvonne D Webb-Lewis have instituted, continued, or made an application in legal proceedings without obtaining leave to proceed from this court, the court in which legal proceedings are pending shall immediately dismiss the proceeding or application of Sidney T Lewis and Yvonne D Webb-Lewis.

ORDER TO CLERK OF COURTS

D2633E16

Pursuant to R.C. 2323.52(H), the Clerk of Courts shall immediately send a  
certified copy of this Order to the Supreme Court of Ohio

**IT IS SO ORDERED**



MICHAEL J. HOLBROOK, JUDGE

Copies to

Clerk of Court, Civil Division

Craig Carlson, Esq  
PORTER, WRIGHT MORRIS & ARTHUR, LLP  
41 South High Street  
Columbus, Ohio 43215  
Attorney for Plaintiff

Grady L. Pettigrew, Jr., Esq  
PETTIGREW & ASSOCIATES, LLC  
115 W. Main St., Ste 400  
Columbus, Ohio 43215-5009  
Counsel for Defendants

**EXHIBIT 5**

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

January 4, 2012

[Cite as 01/04/2012 Case Announcements, 2012-Ohio-3.]

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## MOTION AND PROCEDURAL RULINGS

**2011-1933. Rayess v. Educational Comm. for Foreign Med. Graduates.**

Montgomery App. No. 24125. This cause is pending before the court as a discretionary appeal and claimed appeal of right.

Upon consideration of appellant's motion to seal the September 30, 2011 court of appeals' decision, it is ordered by the court that the motion is granted.

**2011-1995. DeVries Dairy, L.L.C. v. White Eagle Coop. Assoc.**

Certified Question of State Law, Northern District of Ohio, Western Division, No. 3:09CV207. This cause is pending before the court as a certified question of state law from the United States District Court, Northern District of Ohio, Western Division.

Upon consideration of the motion for admission pro hac vice of Philip C. Graham, it is ordered by the court that the motion is granted.

**In re Lewis.**

On May 11, 2005, this court found Sidney T. Lewis and Yvonne D. Webb-Lewis to be vexatious litigators under S.Ct.Prac.R. 14.5(B). This court further ordered that Sidney T. Lewis and Yvonne D. Webb-Lewis were prohibited from continuing or instituting legal proceedings in this court without first obtaining leave. On December 30, 2011, Sidney T. Lewis and Yvonne D. Webb-Lewis submitted a "motion for leave to file supplemental motion to remove PVL sanctions grounded on exhibits A & B, for reconsideration to correct clerical mistake in reporting of Supreme Court Case No. 2002-1462 as 02-CV-20."

Upon consideration thereof, it is ordered by the court that the motion for leave of Sidney T. Lewis and Yvonne D. Webb-Lewis is denied.

### DISCIPLINARY CASES

**2011-1421. In re O'Malley.**

On August 22, 2011, this court imposed an interim suspension upon felony conviction on respondent, Joseph Patrick O'Malley, and ordered him to file an affidavit of compliance on or before 30 days from the date of the order. On November 23, 2011, this court ordered respondent to show cause why he should not be found in contempt for failure to comply with the court's August 22, 2011 order. On December 27, 2011, respondent filed a Notice of Filing Corrected Affidavit of Compliance and Respondent's Motion to Lift Contempt Sanction. The affidavit of compliance was not timely filed. In addition, the motion was prematurely filed as no contempt sanction has been imposed.

Upon consideration thereof, it is ordered by the court, sua sponte, that the affidavit of compliance and motion are stricken.

It is further ordered by the court, sua sponte, that Joseph Patrick O'Malley, Attorney Registration No. 0060087, last known business address in Westlake, Ohio, is found in contempt for failure to comply with this court's order of August 22, 2011, to wit: failure to file an affidavit of compliance on or before September 21, 2011. Respondent may purge himself of contempt by filing an affidavit of compliance along with a motion requesting that such relief be granted.